

IN THE UNITED STATES DISTRICT COURT
IN AND FOR THE DISTRICT OF DELAWARE

| | | |
|-------------------------------|---|----------------------|
| ADMART AG, HELLER WERKSTATT |) | |
| GESMBH, MR. ANDRE HELLER, AND |) | |
| MR. STEFAN SEIGNER, |) | |
| |) | C.A. NO.: 95-410-SLR |
| Plaintiffs, |) | |
| |) | |
| v. |) | |
| |) | |
| STEPHAN AND MARY BIRCH |) | |
| FOUNDATION INC. |) | |
| |) | |
| Defendant. |) | |

PROPOSED ORDER

At Wilmington this ____ day of December, 2006, IT IS ORDERED that pursuant to the October 20, 2006 Mandate of the United States Court of Appeals for the Third Circuit:

1. The Stephen and Mary Birch Foundation (“Birch”) must pay Admart AG, Heller Werkstatt Gesmbh, Andre Heller and Stefan Seigner (hereinafter “plaintiffs”) \$4,536,222.33 in immediately available funds that cannot be interfered with in any way on January 16, 2007 in Vienna, Austria.
2. Simultaneous with the payment ordered in paragraph 1, plaintiffs shall deliver to Birch on January 16, 2007 in Vienna Austria, the property constituting Luna Luna, including the artwork and the documentation consisting of the artists’ declarations and the technical documentation (“passports”).
3. The Stephen and Mary Birch Foundation is required to pay \$1 million to the plaintiffs which shall be set off against any award by the arbitration panel constituted in 2004. Interest on the net amount shall be payable as per the formulation used in the Court’s Order of October 6, 2004. The total sum

described in this paragraph 3 shall be due within thirty days of the date of the arbitrators' award. In the interim, the Stephen and Mary Birch Foundation shall continue to ensure that Thierry Ador maintains the interest bearing accounts described in his affidavit of April 29, 2004.

4. This action shall remain open until such time as the arbitration described in paragraph 3 has ended and the payment required by paragraph 3 has been made.

United States District Judge